

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: JACK PINNOCK and MAZIE PINNOCK,

Debtors.

Bankruptcy Case No. 16-23508
Chapter 13

U.S. BANK NATIONAL ASSOCIATION, as
Trustee, on behalf of the Holders of CSMS
MORTGAGED BACKED PASS-THROUGH
CERTIFICATES, SERIES 2007-1

Appellant,

-against-

JACK PINNOCK and MAZIE PINNOCK,

Appellee.

No.19 Civ. 8958 (CM)

**ORDER AFFIRMING DENIAL OF
APPELLANT’S MOTION FOR RECONSIDERATION**

McMahon, C.J.:

WHEREAS, appellant U.S. Bank National Association (“US Bank” or “Appellant”) moved before the Hon. Robert Drain, U.S.B.J., pursuant to 11 USC Sec. 502(j), Rules 3008 and 9024 of the Federal Rules of Bankruptcy Procedure, and Rule 60(b) of the Federal Rules of Civil Procedure, for reconsideration and relief from an order of the Bankruptcy Court, dated October 31, 2018, that disallowed and expunged US Bank’s Proof of Claim 16-1 against the Debtors, and

that decreed the mortgage lien alleged to secure U.S. Bank's claim on the Debtors' real property located at 2848 Sedgwick Avenue, Bronx, NY 10468, Block 3250, Lot 16, void and unenforceable by U.S. Bank, its successors and assigns; and

WHEREAS Judge Drain denied said motion in an opinion found at appendix pages 936-951 of the record on appeal; and

WHEREAS Appellant has taken an appeal from that order to this court, and the court has reviewed the record and the briefs of the parties and the cases cited therein; and

WHEREAS the court perceives no error in Judge Drain's decision;

For the reasons stated by Judge Drain in his opinion, the decision of the Bankruptcy Court is AFFIRMED, with costs to appellees.

Dated: January 15, 2020

A handwritten signature in black ink, appearing to read "Colleen M. Kelly", written over a horizontal line.

Chief Judge

BY ECF TO ALL PARTIES